IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL No: 1500 of 2004 and WRIT APPEAL NO. 1643 of 2004

-

WRIT APPEAL NO : 1500 of 2004:

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26/12/2003 in WPMP No.22632 of 2003 & WVMP No.3890 of 2003 in W.P.No.18168 of 2003 on the file of the High Court.)

Between:

1 N. Simhadri Raju, S/o Sundara Ramachandra Raju,
Aged 51 years, Occ: Sale Officer, The District Cooperative Central Bank Limited, Nellimarla Branch, Vizianagaram District.

2 B. Ramakrishna Naidu, S/o Late Satyam Naidu,
Aged 57 years, Occ: Sale Officer, The District Cooperative Central Bank Limited, Bobbili Branch, Vizianagaram District.

3 P. Lakshmana Rao, S/o Late Sanyasaiah,
Aged 55 years, Occ: Branch Manager, The District Cooperative Central Bank Limited, Gantyada Branch, Vizianagaram District.

4 P. Suryanarayana, S/o late Venkataswamy,
Aged 48 years, Occ: Clerk-cum-Shoroff, The District Cooperative Central Bank Limited, Gajapathinagaram Branch, Vizianagaram District.

5 A. Srinivasa Naidu, S/o Ramu Naidu,
Aged 32 years, Occ: Staff Assistant, The District Cooperative Central Bank Limited, Vizianagaram Branch, Vizianagaram District.

..... APPELLANTS

AND

1 The Government of Andhra Pradesh, Cooperation Department, represented by its Secretary, Secretariat, Hyderabad.

2 The Deputy Registrar of Cooperative Societies/ The Divisional Cooperative Officer, Vizianagaram , Vizianagaram District.

3 R. Jogi Naidu, S/o not known,
Aged about 50 years, Occ: Ex-President, Gajapathinagaram Primary Agricultural Cooperative Society Limited, Gajapathinagaram (V&M), Vizianagaram District.

4 K. Chandri Naidu, S/o not known,
Aged about 50 years, Occ: Ex-Secretary, Gajapathinagaram Primary Agricultural Cooperative Society Limited, Gajapathinagaram (V&M), Vizianagaram District.

5 Gajapathinagaram Primary Agricultural Cooperative Society Limited, represented by its Person-in-charge, Gajapathinagaram(V&M), Vizianagaram District.

(Respondents 3 to 5 are not necessary parties).

.....RESPONDENTS

Counsel for the Appellants: Mr. V. AJAYAKUMAR

Counsel for the Respondents 1 and 2: GP FOR COOPERATION

WRIT APPEAL NO: 1643 of 2004:

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26/12/2003 in WPMP No.22633 of 2003 & WVMP No.3887 of 2003 in W.P.No.18169 of 2003 on the file of the High Court.)

1 K. Satyanarayana, S/o late Tata,

Aged 54 years, Occ: Sale Officer,

The District Cooperative Central Bank Limited,

Gajapathinagaram Branch, Vizianagaram District.

2 P. Lakshmana Rao, S/o Late Sanyasaiah,
Aged 55 years, Occ: Branch Manager, The District Cooperative Central Bank Limited, Gantyada Branch, Vizianagaram District.

3 P. Suryanarayana, S/o late Venkataswamy,
Aged 48 years, Occ: Clerk-cum-Shoroff, The District Cooperative Central Bank Limited, Gajapathinagaram Branch, Vizianagaram District.

4 A. Srinivasa Naidu, S/o Ramu Naidu,
Aged 32 years, Occ: Staff Assistant, The District Cooperative Central Bank Limited, Vizianagaram Branch, Vizianagaram District.

..... APPELLANTS

AND

1 The Government of Andhra Pradesh, Cooperation Department, represented by its Secretary, Secretariat, Hyderabad.

2 The Deputy Registrar of Cooperative Societies/ The Divisional Cooperative Officer, Vizianagaram , Vizianagaram District.

3 R. Jogi Naidu, S/o not known,
Aged about 50 years, Occ: Ex-President, Gajapathinagaram Primary Agricultural Cooperative Society Limited, Gajapathinagaram (V&M), Vizianagaram District.

4 K. Chandri Naidu, S/o not known,
Aged about 50 years, Occ: Ex-Secretary, Gajapathinagaram Primary Agricultural Cooperative Society Limited, Gajapathinagaram (V&M), Vizianagaram District.

5 Gajapathinagaram Primary Agricultural Cooperative Society Limited, represented by its Person-in-charge, Gajapathinagaram(V&M), Vizianagaram District.

(Respondents 3 to 5 are not necessary parties).

.....RESPONDENTS

-

Counsel for the Appellants: Mr. V. AJAYAKUMAR

Counsel for the Respondents 1 and 2: GP FOR COOPERATION

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

The Court made the following C O M M O N J U D G M E N T:

(Per the Hon'ble Sri Justice Bilal Nazki).

W.A.M.P.No.2519 of 2004 in W.A No.1643 of 2004:

Heard. No objection from the other side. Delay condoned.

The writ petitioners who are the appellants herein are working in various branches in Vizianagaram District. Pursuant to an enquiry under Section 51 of the Andhra Pradesh Cooperative Societies Act,1964 (for short "the Act"), a report was submitted

disclosing grant of benami loans in favour of the former President and Secretary of the Primary Agricultural Cooperative Society. Grave financial irregularities and misappropriation were also attributed to the petitioners. On the basis of the report of the enquiry, the Deputy Registrar, Cooperative Societies initiated surcharge proceedings against the petitioners under Section 60(1) of the Act. Notices were issued and thereafter, an enquiry was held and by order dated 30-04-2003, liabilities were fixed. The learned Single Judge vacated the stay on the ground that there is a ***prima facie*** case against the petitioners and an alternative remedy is available to them under Section 76 of the Act, where all these questions could be gone into. We do not find any ground to interfere in the order of the learned Single Judge.

The Writ Appeals are accordingly dismissed. No order as to costs.

_____

(BILAL NAZKI, J)

30th September, 2004.

_____

(S.ANANDA REDDY, J)

vrn

To

1 The Secretary, Government of Andhra Pradesh, Cooperation Department, Secretariat, Hyderabad.

2 The Deputy Registrar of Cooperative Societies/ The Divisional Cooperative Officer, Vizianagaram , Vizianagaram District.

3 Two CCs to the Government Pleader for Cooperation, High Court of A.P., Hyderabad (o.u.t.)

4 Two CD copies.